



OFFICE OF THE GOVERNOR

# NEWS

ROD R. BLAGOJEVICH - GOVERNOR

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## **Governor Blagojevich takes action to get habitual criminals off our streets**

### ***Signs bill creating Class X felony for repeat offenders caught with guns***

#### **Governor also signs bills to help victims recover from crime**

CHICAGO - In his ongoing effort to help keep Illinois communities safe from gun violence, Governor Rod R. Blagojevich today signed into law House Bill 1039, a bill that creates stiff new penalties for habitual criminals – identified as individuals who have been convicted of two or more violent crimes – who are caught with guns. Today's action by Gov. Blagojevich will help reduce gun violence by putting those who repeatedly endanger our neighborhoods in prison.

"Step by step, we're working to free our communities from the bondage of gun violence. Last week we made monumental progress by closing the gun show loophole that for so long provided criminals with an easy avenue for obtaining guns. Today, we're telling those who contribute to the violence over and over again that they need to change their ways, or they're going to do serious time behind bars. We're not going to stand by and let our schools, streets and neighborhoods be victimized," said Gov. Blagojevich.

House Bill 1039, sponsored by Rep. James D. Brosnahan (D-Oak Lawn) and Sen. Martin A. Sandoval (D-Cicero), creates a new offense, "Armed Habitual Criminal." The bill states that a person with two or more past convictions for any of a list of specific violent crimes, including first degree murder, sexual assault of a child, arson, robbery, home invasion, and gunrunning is in violation of this law if they receive, possess, sell, or transfer a firearm.

Nationally, according to Bureau of Justice statistics, 18% of state prisoners and 15% of federal prisoners were armed when they committed the offense for which they were imprisoned. Among those who carried a firearm during the offense, about 8% of state and federal prisoners carried military-style, semiautomatic weapons. These firearms included the UZI, Tec-9, and MAC-10 handguns, and AR-15 and AK-47 rifles. Among inmates in prison for more serious offenses

such as murder, rape, sexual attack, robbery, and assault, 30% of state offenders and 35% of federal offenders carried a firearm while committing the crime.

“This new law sends a message to felons that being in possession of a firearm will not be tolerated. This initiative makes state penalties for firearm possession by felons more in line with federal penalties. Project Safe Neighborhoods has resulted in taking violent felons off the streets, because they have continued to carry guns. Unfortunately, since federal resources are limited, many who deserve federal prosecution are dealt with in state courts where penalties are less severe. This law changes that, and as a result our communities will be safer,” said Rep. Brosnahan.

Habitual criminals have a proven history of terrorizing our communities and a record of associating with others who have chosen a lifestyle of crime, which can include gang members, drug dealers, and gun traffickers. For these criminals, HB1039 will serve as a deterrent to stay away from guns or receive prison sentences of 6 to 30 years, the equivalent of a Class X Felony. The bill also requires truth in sentencing, meaning the convicted offender must serve at least 85% of the sentence.

“With this legislation the message is clear: guns have no place on our streets,” said Sen. Sandoval.

HB1039, effective immediately, builds on the Governor’s continuing effort to stop gun violence in Illinois, including:

- In July, the governor signed legislation that closes the gun show loophole that allowed gun buyers to avoid comprehensive background checks. SB1333 requires gun sellers at firearm shows to request background checks for potential gun purchasers.
- In June, the governor signed HB 524, HB 132, and HB 35, which imposed harsher prison sentences for individuals convicted of a crime using a firearm. The bills included mandatory prison time for second or subsequent offenses.
- The governor also signed HB 348, which requires State Police to report the name and address of a person who attempted to get a Firearm Owner’s Identification Card (FOID card), but was denied, to the local law enforcement agency where the person lives.
- The governor announced \$3.9 million for Operation CeaseFire programs in Illinois in the coming fiscal year, including seven \$250,000 grants for communities that will receive funding for the first time. Last year, Gov. Blagojevich increased funding for CeaseFire to expand from five Chicago communities to fifteen communities around the state.
- In March, the governor created an elite gun trafficking police unit to stop the flow of crime guns into Illinois. The gun unit works with federal authorities and law enforcement agencies from Indiana and Mississippi to detect and capture gunrunners and illegal dealers. More crime guns flow into Illinois from Indiana and Mississippi than from any other state.

- The governor has pushed strongly for the state assault weapons ban currently being considered by the legislature. The legislation would ban assault weapons and .50 caliber rifles in Illinois, which are extremely dangerous weapons. The ban would outlaw weapons such as UZIs, AK47s, and TEC-DC9s.

Also today, the Governor signed several pieces of legislation to help victims of crime recover physically, emotionally, mentally and financially.

- Initiated by Attorney General Lisa Madigan and sponsored by Sen. Kwame Raoul (D-Chicago) and Rep. Constance A. Howard (D-Chicago), Senate Bill 416 allows victims of violent crime, including domestic violence victims, who must relocate for safety reasons to qualify for reimbursement for the first month's rent, security deposit and other reasonable relocation expenses. SB 416 is effective January 1, 2006.

"This new law will be crucial in helping domestic violence victims find assistance to break the cycle of violence," Attorney General Madigan said. "We must ensure that our financial assistance system helps victims and their families escape abusive settings. It's hard enough for domestic violence victims to scrape up the strength to leave. They should not have to scrape up a security deposit and first month's rent as well."

"This is a wonderful law because it helps victims of violent crimes. I appreciate Governor Blagojevich for signing this important piece of legislation and Attorney General Lisa Madigan for helping to initiate it. The goal of this bill is help reduce the financial burden imposed on victims of violent crime and their families," said Rep. Howard.

- House Bill 1134 allows expenses for care and counseling by licensed clinical professional counselors to be reimbursed for victims of violent crime. Before, only expenses for licensed clinical psychologists and licensed clinical social workers could be reimbursed. Sen. Christine Radogno (R - Lemont) and Rep. Robert W. Pritchard (R - Sycamore) sponsored House Bill 1134. HB 1134 is effective January 1, 2006.

"The intent of the legislation is to offer victims of crime more choice when seeking the treatment that they need to recover and rebuild their lives," explained Senator Radogno. "By allowing these individuals to be reimbursed for professional counseling, Illinois is taking one more step towards providing much-needed care for victims of violent crime."

- Sponsored by Senator Dan Rutherford (R-Pontiac) and Rep. Eileen Lyons (R-Countryside), House Bill 701 states that in addition to a prison sentence, the court may order the defendant to pay restitution; further, the prison sentence of the defendant is not a mitigating factor that could prevent restitution. In determining the amount of time in which the defendant should pay, the court can take into consideration the defendant's assets. When long-term physical and/or mental health care is required for the victim as a result of the offense, the court can order the defendant to pay restitution to the victim, in fixed monthly payments. The defendant's payments will continue for as long as the long-term care is necessary. The court can change the fixed monthly amount if there is a substantial change in the financial condition of either the defendant or the victim or the cost of the long-term health care.

For certain sex offenses – even if the defendant had the charges reduced due to a plea agreement – the bill allows the court to order an offender to pay for a victim’s medical, psychological, or other rehabilitative treatment. HB 701 is effective January 1<sup>st</sup>, 2006.

“When a person commits a crime with such long-term ramifications, then the person responsible should pay for the victim’s medical costs,” said Senator Rutherford. “This legislation is one small step toward addressing this very serious offense, and helping victims of abuse receive the care that they need to recover.”